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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/335,640	06/18/1999	MATTHEW J. CONWAY	MS-68(116627	6699

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 11/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/335,640

Applicant(s)

Matt Conway et al

Examiner
Tadesse Hallu

Art Unit
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jun 18, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-60 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-9, 11, 12, 14, 16-22, 24, 33-40, 42, 44, 46-51, 53, 54, 56, and 58-60 is/are rejected.

7) ☒ Claim(s) 10, 13, 15, 23, 25-32, 41, 43, 45, 52, 55, and 57 is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is in response to the patent application (09/335,640) filed on 6/18/1999.

Priority

2. No priority claimed, no parent and child data.

Information Disclosure Statement

3. No IDS submitted

Status of the claims

4. Claims 1-60 are pending.

Drawing

5. The drawings are objected to by the Draftsperson as noted in the form PTO 948. Submission of formal drawings is required.

Specification

6. The Specification is objected to because it contains an embedded hyperlink and/or other form of browser-executable code, (<http://www.maya.com/portfolio/workscape.html>), shown at page 12, line 11. The use of URL in the disclosure of United States Patent is prohibited. Due to the dynamic nature of the WWW, URL are not a consistent source for relevant information.

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Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

7. Claim 36 is objected to because of the following informalities: the letter "t" at line 9 of the claim is unclear, should be replaced with --thumbnail-- or appropriate correction is required.

Claim Rejections - 35 U.S.C. § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-3, 5-9, 11, 12, 14, 16-22, 24, 33-40, 42, 44, 46-51, 53, 54, 56, and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al (6,166,738) and Joskowicz et al (5,669,006).**

The examiner has carefully considered all the claims 1-60. The present invention relates to a user interface to objects. The present invention exploits the spatial memory of properties of an object.

Per claims 1 and 47:

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As can be seen from the cited reference, the Prior art is basically identical to the present invention in that the Robertson patent discloses a graphical user interface in which object thumbnails are rendered on a simulated three-dimensional surface as in the present invention.

Robertson discloses a man-machine interface method for permitting a user to act on thumbnails (see claim 1 of Robertson's); as per generating a three-dimensional environment (see claim 16 of Robertson's); as per determining a two-dimensional location (see claim 1 of Robertson's); as per generating the thumbnails within the three-dimensional environment (see claim 1 of Robertson's).

While Robertson patent discloses a perspective view facility 252 to determine the thumbnail object location or position information (col 17, lines 29-61), the location or position information of Robertson's does not explicitly show further information about the object, such as the depth parameter of the object thumbnails on the three dimensional surface is not explicitly shown. However, Joskowicz et al (5,669,006) discloses this shortcomings. The Joskowicz patent relates to generating a spatial layout of the visible segments on a computer display screen. Joskowicz further discloses obtaining a screen layout for a given set of object ("clique") is to find the locations of its associated episodes and depths (i.e., Z-ordering) on the screen (col 3, lines 22-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the three-dimensional features of an object, such as depth information of Joskowicz's with the Robertson's three-dimensional environment helps to determine locations of associated objects and their respective depths on a simulated three

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dimensional surface on a computer display screen. Thus, the combination of the Robertson reference and Joskowicz reference would result in the invention recited in claims 1 and 47.

Per claim 34:

as per “a system which permits a user to interact with thumbnails,...” (see claim 1 or 23 of Robertson’s); as per “an input facility for accepting user inputs” (see claim 23 of Robertson’s); as per “ a storage facility containing a two-dimensional location, cursor location a location information and state information ...”(see col 15, lines 39-64, claim 24 of Robertson’s); as per a processing unit which accepts user inputs, updates a two-dimensional location, cursor location, position or location information (see claim 23 of Robertson’s); generating video output and a video display unit (see claim 23 of Robertson’s).

As mentioned in claim 1, While Robertson patent discloses a perspective view facility 252 to determine the thumbnail object location or position information (col 17, lines 29-61), the location or position information of Robertson’s does not explicitly show information about the object, such as the depth parameter of the object thumbnails on the three dimensional surface is not explicitly shown. However, Joskowicz et al (5,669,006) discloses this shortcomings. The Joskowicz patent relates to generating a spatial layout of the visible segments on a computer display screen. Joskowicz further discloses obtaining a screen layout for a given set of object (“clique”) is to find the locations of its associated episodes and depths (i.e., Z-ordering) on the screen (col 3, lines 22-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the three-dimensional features of an

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object, such as depth information of Joskowicz's with the Robertson's three-dimensional environment helps to determine locations of associated objects and their respective depths on a simulated three dimensional surface on a computer display screen. Thus, the combination of the Robertson reference and Joskowicz reference would result in the invention recited in claim 34.

Per claim 2:

as per "... the depth is a linear function of at least one parameter of the object associated with the thumbnail" (see Joskowicz: col 4, lines 52-col 6, lines 62).

Per claim 3:

as per "... the depth is a polynomial function of at least one parameter of the object associated with the thumbnail" (see Joskowicz: col 4, lines 52-col 6, lines 62).

Per claim 5:

Robertson and Joskowicz disclose that object may be related or rendered on to user's explicit selection or based on a property , such as age, storage location, etc. (See Robertson: col 7, lines 12-30).

Per claims 6 and 48:

Robertson and Joskowicz disclose the limitations recited in claim 6 (see claims 5 and 6 of Robertson's).

Per claims 7 and 49:

Robertson and Joskowicz disclose the limitations recited in claim 7 (see *col 23, lines 30-40 of Robertson's*).

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Per claims 8 and 50:

Robertson and Joskowicz disclose the limitations recited in claim 8 (see *col 17, lines 62-col 18, lines 5 of Robertson's*).

Per claims 9 and 51:

Robertson and Joskowicz disclose the limitations recited in claim 9 (see *claims 8 and 10 of Robertson's*).

Per claims 11 and 53:

Robertson and Joskowicz disclose the limitations recited in claim 11 (see *claim 10 of Robertson's*).

Per claims 12 and 54:

Robertson and Joskowicz disclose the limitations recited in claim 12 (see *claim 11 of Robertson's*).

Per claims 14 and 56:

Robertson and Joskowicz disclose the limitations recited in claim 14 (see *claim 13 of Robertson's*).

Per claim 16:

Robertson and Joskowicz disclose the limitations recited in claim 16 (see *claim 1 or 23 of Robertson's*).

Per claim 17:

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Robertson and Joskowicz disclose the limitations recited in claim 17 (see *claim 15 of Robertson's*).

Per claims 18 and 58:

Robertson and Joskowicz disclose the limitations recited in claim 18 (see *col 17, lines 1-61, claim 16 of Robertson's*).

Per claims 19 and 59:

Robertson and Joskowicz disclose the limitations recited in claim 19 (see *claim 17 of Robertson's*).

Per claims 20 and 60:

Robertson and Joskowicz disclose the limitations recited in claim 20 (see *claim 18 of Robertson's*).

Per claim 21:

Robertson and Joskowicz disclose the limitations recited in claim 21 (see *col 12, lines 36-53 of Robertson's*).

Per claim 22:

Robertson and Joskowicz disclose the limitations recited in claim 22 (see *col 12, lines 36-53 of Robertson's*).

Per claim 24:

Robertson and Joskowicz disclose the limitations recited in claim 24 (see *col 6, lines 39-55, col 9, lines 20-34 of Robertson's*).

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Per claim 33:

Robertson and Joskowicz disclose the limitations recited in claim 33 (see *col 6, lines 39-55, col 9, lines 20-34, col 12, lines 57-col 13, lines 9 of Robertson's*).

Per claim 35:

Robertson and Joskowicz disclose the limitations recited in claim 35 (see *claim 24 of Robertson's*).

Per claim 36:

Robertson and Joskowicz disclose the limitations recited in claim 36 (see *claim 25 of Robertson's*).

Per claim 37:

Robertson and Joskowicz disclose the limitations recited in claim 37 (see *claim 26 of Robertson's*).

Per claim 38:

Robertson and Joskowicz disclose the limitations recited in claim 38 (see *claim 27 of Robertson's*).

Per claim 39:

Robertson and Joskowicz disclose the limitations recited in claim 39 (see *claim 28 of Robertson's*).

Per claim 40:

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Robertson and Joskowicz disclose the limitations recited in claim 40 (see *claim 29 of Robertson's*).

Per claim 42:

Robertson and Joskowicz disclose the limitations recited in claim 42 (see *claim 13 and 23 of Robertson's*).

Per claim 44:

Robertson and Joskowicz disclose the limitations recited in claim 44 (see *claim 23 of Robertson's*).

Per claim 46:

Robertson and Joskowicz disclose the limitations recited in claim 46 (see *claims 18 and 35 of Robertson's*).

10. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al (6,166,738) and Joskowicz et al (5,669,006) and Baldwin (5,701,444).**

claim 4 recites a depth represented in exponential function of at least one parameter of the object associated with the thumbnail. While Robertson and Joskowicz discloses depth represented linear and quadratic functions, representing depth in exponential function not shown. However, '444 discloses depth represented in exponential function (col 45, lines 16-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate exponential function of '444 with Robertson and Joskowicz's depth representing

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functions (linearly, and quadratically), thus, this incorporation helps in providing a plurality of different depth functions applied with the Robertson and Joskowicz's system.

Allowable Subject Matter

11. Claims 10, 13, 15, 23, 25-32, 41, 43, 45, 52, 55 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: As in the present invention the prior art of records (Robertson et al) discloses manipulating/processing a plurality of object states, such as *active, selected, moved, pushed*, and *location update determination*, except for manipulating/processing a *float state*, such as manipulating/processing a float input/ floated thumbnail, therefore, consequently, the prior art of records fails to disclose the limitations associated with a *float input/floated thumbnail* as recited in the above objected claims. Furthermore, while Robertson and Joskowicz disclose depth (or Z-order) of an image but the prior art of records fails to disclose determining a fade to be applied to the thumbnail based on its depth as recited in claim 27. Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

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Conclusion

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 7:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *John Cabeca*, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

11/7/2001


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173